

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,  
Plaintiff,  
v.  
SAM LAVORATO, Jr., et al.,  
Defendants.

No. 2:23-cv-00534-DJC-EFB (PC)

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 25, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. The Court observes that this procedure is sufficient to constitute notice to the Plaintiff of the potential disqualification under 28 U.S.C. 1915(g) as required by *Andrews v. King*, 398 F.3d 1113, 1120. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully

1 reviewed the entire file, the Court finds the findings and recommendations to be  
2 supported by the record and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed May 25, 2023, are adopted in full;  
5 2. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is denied;  
6 3. Plaintiff is ordered to pay the \$402 filing fee within fourteen days from the  
7 date of this order and is warned that failure to do so will result in the  
8 dismissal of this action.

9  
10 IT IS SO ORDERED.

11 Dated: September 1, 2023

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE